

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Marites Reyes Oberg,

Civ. No. 19-1481 (MJD/BRT)

Plaintiff,

v.

Target Corporation, and Target Apple  
Valley,

**REPORT AND  
RECOMMENDATION**

Defendants.

---

Martina Reyes Oberg, c/o 18010 Kenwood Trail, Apt. #210, Lakewood, MN, 55044, *pro se* Plaintiff.

David A. James, Esq., and Pablo Orozco, Esq., Nilan Johnson Lewis PA, counsel for Defendants.

---

BECKY R. THORSON, United States Magistrate Judge.

On March 9, 2020, Defendant Target Corporation filed a Motion to Compel Plaintiff's Discovery Responses. (Doc. No. 31.) On March 10, 2020, the Court issued a briefing schedule on the motion that stated that "[a]ny response by Plaintiff to Defendant Target Corporation's motion shall be filed on or before March 24, 2020." (Doc. No. 36.) Plaintiff did not file a response, and on March 27, 2020, this Court issued an Order granting in part Defendant Target Corporation's Motion to Compel and ordering Plaintiff to provide answers and documents responsive to Defendant's December 20, 2019 Interrogatories, Request for Production of Documents, and Requests for Admission on or before April 13, 2020. (Doc. No. 37.) This Court cautioned Plaintiff that failure to serve

her responses by that date would result in this Court recommending that her case be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). On April 14, 2020, Defendant filed a notice of Plaintiff's noncompliance with the Court's Order, stating "that plaintiff has failed to serve any discovery responses" on Defendant. (Doc. No. 41.)

On April 8, 2020, Plaintiff filed a Motion to Strike with Prejudice and two accompanying Notices (Doc. Nos. 38–40) that seek to remove this matter to the United States Congress. These filings, however, are not sufficient to comply with this Court's March 27, 2020 Order. Therefore, because Plaintiff has not complied with the Court's Order, and because no good cause has been provided by Plaintiff for her failure to meet the Court's deadline, this Court recommends Plaintiff's Complaint be dismissed for failure to prosecute.

Accordingly, **IT IS HEREBY RECOMMENDED** that:

1. Plaintiff's Complaint (Doc. No. 1) be dismissed for lack of prosecution and failure to comply with the Court's March 27, 2020 Order; and
2. Plaintiff's Motion to Strike with Prejudice (Doc. No. 38) be **DENIED** as moot.

Date: April 23, 2020

s/ Becky R. Thorson  
BECKY R. THORSON  
United States Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), a party may file and serve specific written objections to this Report within **fourteen days**. A party may respond to those objections within **fourteen days** after service thereof. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).